

AMENDED IN ASSEMBLY MAY 16, 2011
AMENDED IN ASSEMBLY MARCH 17, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 42

Introduced by Assembly Member Huffman

December 6, 2010

An act to add *and repeal* Section 5080.42 ~~to~~ of the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as amended, Huffman. State parks.

Existing law gives control of the state park system to the Department of Parks and Recreation. Existing law authorizes the department to enter into agreements with an agency of the United States, a city, county, district, or other public agency or any combination thereof, for the care maintenance, administration, and control by a party to the agreement of lands under the jurisdiction of a party to the agreement, for the purpose of the state park system.

This bill would authorize the department to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, *or portion of a unit*, of the state park system, as identified by the director, with a qualified nonprofit organization ~~that exists to provide visitor services in state parks, facilitate public access to park resources, improve park facilities, or provide interpretive and educational services, as provided.~~ This bill would require the operating agreement to include, *among other things*, a requirement that the nonprofit organization annually submit a report to the department. The bill would require the nonprofit

organization and the district superintendent for the department to hold a joint public meeting for discussion of the report.

The bill would require the department to notify a Member of the Legislature of an intention to enter into an operating agreement relating to a park in the member's district. The bill would also require the department to report to the Legislature, on a biennial basis, the status of any operating agreement.

The bill would repeal these provisions on January 1, 2019.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) The California state park system is a unique resource that
4 requires preservation and protection for future generations.
- 5 (b) California's state park system is the largest in the nation and
6 contains over 1.5 million acres of land managed for natural,
7 cultural, and historical values in 278 parks across the state.
- 8 (c) California's state park system hosts more than 80 million
9 visitors annually and houses over 3,100 historic buildings and
10 more than 14,000 individual and group campsites.
- 11 (d) California's state park system is a major draw for tourism
12 in the state and generates over \$4 billion annually in economic
13 activity in communities near state parks and in park-related
14 expenditures.
- 15 (e) The budget for the state park system has not kept pace with
16 the state's population growth and growing demand. The annual
17 budget for state parks has been significantly below the amount
18 necessary to maintain the parks in their current condition. The
19 ongoing shortfall has caused a burgeoning backlog of deferred
20 maintenance of over \$1.3 billion in 2010, inadequate staff to protect
21 park resources and maintain public access and safety, and partial
22 closures of many state parks.
- 23 (f) Current budget resources will force the closure of state parks
24 throughout the system and create impediments to public access
25 and enjoyment of those parks.
- 26 (g) Californians deserve a world-class state park system that
27 will preserve and protect the unique resources of the state for future

generations. In order to safeguard those resources and maintain public access, California's state park system must have stable, reliable, and adequate funding sources to fully fund and support our state parks.

(h) As the search for stable funding sources continues in this current budget crisis, it is critical that all efforts be made to continue public access to state parks and to keep our parks open. Nonprofit organizations can be important partners in meeting those objectives, and where possible, they should be invited to assist the state with operating parks in order to keep them open.

SEC. 2. Section 5080.42 is added to the Public Resources Code, to read:

5080.42. (a) Notwithstanding any other provision of this article, the department may enter into an operating agreement *with a qualified nonprofit organization* for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, *or portion of a unit*, of the state park system, as identified by the director, ~~with a qualified nonprofit organization that exists to provide visitor services in state parks, facilitate public access to park resources, improve park facilities, or provide interpretive and educational services. The operating~~ *director. If the department enters into an operating agreement that involves the operation of the entirety of a park unit, that agreement may be entered into pursuant to this section only to the extent that the agreement would enable the department to avoid closure of a unit or units of the state park system that may otherwise be subject to closure. The department may only enter into an operating agreement that involves the operation of the entirety of a park unit for no more than 20 park units. An operating agreement with a qualified nonprofit shall include, but is not shall not be limited to, the following conditions:*

(1) The district superintendent for the department shall provide liaison with the department, the nonprofit organization, and the public.

(2) The nonprofit organization shall annually submit a written report to the department regarding its operating activities during the prior year and shall make copies of the report available to the public upon request. The report shall include a full accounting of all revenues and expenditures for each unit of the state park system

1 that the nonprofit organization operates pursuant to an operating
2 agreement.

3 (3) All revenues received from a unit shall be expended only
4 for the care, maintenance, operation, administration, improvement,
5 or development of the unit. The qualified nonprofit organization
6 may additionally contribute in-kind services and funds raised from
7 outside entities for the care, maintenance, operation, administration,
8 improvement, or development of the unit.

9 (b) *An operating agreement entered into pursuant to subdivision*
10 *(a) shall honor the existing term of a current concession contract*
11 *for the state park unit subject to the operating agreement.*

12 (c) *An operating agreement entered into pursuant to subdivision*
13 *(a) shall specify the duties that the nonprofit organization shall*
14 *be responsible for carrying out relative to management and*
15 *protection of natural, historical, and cultural resources, and shall*
16 *identify those management duties that shall continue to be*
17 *conducted by the department. Scientific, architectural, and*
18 *engineering functions that require special expertise or professional*
19 *training shall only be conducted by or under the supervision of*
20 *qualified persons with applicable expertise or training and subject*
21 *to oversight by the department.*

22 (d) *This section does not supersede the requirements of Section*
23 *5019.53 regarding the protection of natural, scenic, cultural, and*
24 *ecological values.*

25 ~~(b)~~

26 (e) The nonprofit organization and the district superintendent
27 for the department shall, following submittal of the annual report
28 pursuant to subdivision (a), hold a joint public meeting for
29 discussion of the report.

30 ~~(e)~~

31 (f) If the department intends to enter into an operating agreement
32 *for the development, improvement, restoration, care, maintenance,*
33 *administration, or operation of a unit or units, or a portion of a*
34 *unit, the department shall notify the Member of the Legislature in*
35 *whose district the unit is located of that intention.*

36 (g) *For purposes of this section, a qualified nonprofit*
37 *organization is an organization that is both of the following:*

38 (1) *An organization that is exempt from taxation pursuant to*
39 *Section 501(c)(3) of the Internal Revenue Code.*

1 (2) *An organization that has as its principal purpose and activity*
2 *to provide visitor services in state parks, facilitate public access*
3 *to park resources, improve park facilities, provide interpretive*
4 *and educational services, or provide direct protection or*
5 *stewardship of natural, cultural or historical lands, or resources.*

6 ~~(d)~~

7 (h) (1) Notwithstanding Section 10231.5 of the Government
8 Code, the department shall provide a report to the Legislature, on
9 a biennial basis, of the status of operating agreements it has entered
10 into pursuant to this section. The report shall include a list of units
11 of the state park system with operating agreements, discussion of
12 the management and operations of each unit subject to an operating
13 agreement, an accounting of the revenues and expenditures incurred
14 under each operating agreement, and an assessment of the benefit
15 to the state from operating agreements entered into pursuant to
16 this section.

17 (2) A report submitted pursuant to paragraph (1) shall be
18 submitted in compliance with Section 9795 of the Government
19 Code.

20 (i) *This section shall remain in effect only until January 1, 2019,*
21 *and as of that date is repealed, unless a later enacted statute, that*
22 *is enacted before January 1, 2019, deletes or extends that date.*